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February 29, 2000 LB 1317

SENATOR BROMM: In the way of background, in 1994, there was a Drivers Privacy Protection Act passed on the federal level, and that set out the parameters of what could be disclosed with respect to personal information and driver's licenses and so Following the passage of that law, at some point, there was a rather publicized case that I think occurred California, where there was a stalker that got information about someone through the driver's license records and proceeded to stalk that person and ultimately raped them, as I recall. was a lot of publicity about the fact that this information was obtained through the driver's license records. Thus, in the fall of 1999, there was a...a Shelby amendment that was passed in Congress which changed the exemptions and the provisions that normally would be referred to as the "opt-out" In other words, your driver's license record information basically was available for disclosure by the Motor Vehicle Department, unless you signed something opting out of that...of that provision. The Shelby amendment changed this and said that certain information, which I'll refer to as sensitive, personal information, would not be available for disclosure unless there was an "opt-in", unless there was a signature, a verified signature obtained from the person permitting disclosure of this sensitive, personal information. That was the Shelby amendment. Then there was a court case filed, in the fall of '99, which challenged the constitutionality of the Shelby amendment. And in January of 2000, a federal court rendered a decision on the constitutionality of the Shelby amendment and said, yes, it is constitutional. So then the states that had the old "opt-out" provision knew, as certainly as we can, the status of the law. So states have started to react to this and said, okay, we're going to revise our Drivers Privacy Act to comply with the Shelby amendment and the court decision that was rendered in January, and that's what this If...if we don't comply with the Shelby amendment by June 1 of this year, there is the possibility, there is the provision in the federal law that says that we don't...we can't access any federal funds, any federal highway funds and...and So, we felt that it was that sort of penalty involved. important to get the subject introduced. I thank the Speaker for recognizing somewhat the urgency of the matter and ordering LB 1317 under his special order provisions or practices of the